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PATENT  
514413-3864

*\$ AF*  
*1638*

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Claus Frohberg  
Serial No. : 09/744,852  
Filed : May 31, 2001  
For : NUCLEIC ACID MOLECULE CODING FOR  $\beta$ -AMYLASE,  
PLANTS SYNTHESIZING A MODIFIED STARCH, METHOD  
OF PRODUCTION AND APPLICATIONS  
Examiner: : R. Kallis  
Group Art Unit : 1638

Corres. and Mail  
**BOX AF**

745 Fifth Avenue, New York, NY 10151

**EXPEDITED PROCEDURE**  
**RESPONSE AFTER FINAL ACTION**  
**UNDER 37 C.F.R. 1.116**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 10, 2004.

**Marilyn Matthes Brogan, Reg. No. 31,223**

(Name of Applicant, Assignee or Registered Representative)

*Marilyn M Brogan*  
Signature

March 10, 2004

Date of Signature

**NOTICE OF APPEAL**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the final Office Action, dated September 10, 2003, rejecting claims 1-5, 7-21, 24 and 26-42. A check in the amount of \$330.00 is enclosed to cover the appeal fee required by 35 U.S.C. §41(a)(6) and 37 C.F.R. §1.17(e).

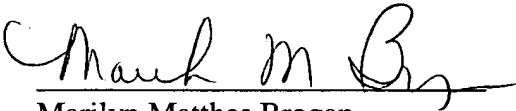
As a request for a three-month extension of time was filed with the February 12, 2004 Second Amendment After Final Action, it is believed that no additional extension fees are required. However, the Commissioner is authorized to charge any additionally required fees for

an extension, or any other fees occasioned by this paper, or credit any overpayment in such fees,  
to Deposit Account No. 50-0320.

This Notice is being filed in triplicate.

Respectfully submitted,

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